

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF PUERTO RICO

3 MARIA DE LOS A. ROSA,  
4 et al.,

5 Plaintiffs,

6 v.

7 MEDTRONIC MINIMED, INC.,  
8 et al.,

9 Defendants.

CIVIL NO. 03-2399 (RLA)

10  
11 **ORDER SCHEDULING PRETRIAL CONFERENCE**  
12 **AND JURY TRIAL**

13 **JURY TRIAL** in this action is hereby set for **September 16, 2008**  
14 **at 9:30 a.m.**

15 A **PRETRIAL/SETTLEMENT CONFERENCE** is hereby scheduled for  
16 **August 29, 2008 at 10:30 a.m.**

17 A Proposed Joint Pretrial Order shall be filed **on or before**  
18 **August 14, 2008**, and shall contain the following:

19 **I. Nature of the Case**

20 A statement of the nature of the case agreed upon by  
21 all parties which shall include issues of jurisdiction. In the  
22 event that the parties cannot agree upon a single description,  
23 separate versions shall be submitted.

24 **II. Theories of the Parties**

25 Each party shall present concisely its pertinent legal  
26 theories including applicable citations to statutes and caselaw.

Counsel are directed to fully disclose all trial issues since the Proposed Joint Pretrial Order will supersede the pleadings in establishing the issues to be heard and considered at trial.

### **III. Admitted Facts**

The parties shall provide a comprehensive listing of all admitted or stipulated facts.

### **IV. Contested Facts**

The parties shall provide a listing of contested facts.

### **V. List of Exhibits**

This section shall contain a listing of all exhibits which have been pre-marked/numbered. Each exhibit shall be identified by a descriptive title as well as its identification number. The parties shall indicate those exhibits, if any, which are not objected to by opposing counsel.

### **VI. Depositions**

The party wishing to use deposition testimony at trial shall list the depositions. Additionally, designations and objections shall be submitted in accordance with the undersigned's STANDING ORDER FOR CIVIL TRIALS issued on **February 10, 1994.**

### **VII. Witnesses and Interpreters**

Each party shall identify witnesses to be presented at trial and include a brief, one paragraph, offer of proof.

Additionally, the parties shall specifically identify those witnesses who will need the services of a court-certified interpreter during trial.

Counsel are admonished that it is their responsibility contract and pay for the services of a court-certified interpreter and to ensure that one is available at trial whenever non English-speaking witnesses testifies.

#### **VIII. Expert Witnesses and Interpreters**

Each party shall list its expert witnesses and include his/her curriculum vitae and an offer of proof. If an expert report has been produced, the report shall be submitted in conjunction with the offer of proof. Additionally, the parties shall specifically identify those experts who will need the services of a court-certified interpreter during trial.

Counsel are admonished that it is their responsibility contract and pay for the services of a court-certified interpreter and to ensure that one is available at trial whenever non English-speaking expert witnesses testifies.

#### **IX. Itemized Statement of Special Damages**

In anticipation that the issue of special damages may arise, an itemized statement of special damages shall be incorporated into the Proposed Joint Pretrial Order. The party or parties not in agreement with the proposed statement shall include its/their opposition in this section.

**X. Estimated Length of Trial**

Parties shall indicate the estimated length of trial.

**XI. Trial Transcript**

Parties shall indicate their interest in requesting an **expedited and/or daily transcript** of the proceedings.

The Proposed Joint Pretrial Order may be modified by this Court only upon a showing of good cause.

**MOTIONS IN LIMINE**

Motions in Limine are due **no later than August 18, 2008**.  
Oppositions thereto shall be filed **on or before August 27, 2008**.

**TRIAL-RELATED DOCUMENTS**

The parties shall file a TRIAL BRIEF, PROPOSED JURY INSTRUCTIONS, PROPOSED VOIR DIRE and PROPOSED VERDICT FORM no later than **September 12, 2008**.

**Trial Briefs**

The Trial Brief is **not** a substitute for the Pretrial Order and shall contain:

1. A list of the witnesses in order of appearance and a concise, one-sentence statement of the subject matter of their testimony. (E.g., Juan González; he is an eyewitness to the accident and will testify as to what he saw that night.)

Witnesses whose testimony at trial will be introduced by way of deposition shall also appear in the list with an indication next to their names to this effect.

2. A list of the expert witnesses, indicating their area of expertise, accompanied by their curriculum vitae and copy of their opinion.

3. A brief statement of the legal issues likely to occur during the course of the trial followed by no more than two citations relied upon by a party. (E.g., whether the records of the ABC Mfg. Co. are admissible into evidence. Plaintiff contends they are. See Fed. R. Evid. 803(6); Jones v. Kelly, \_\_\_ F.3d \_\_\_ (1<sup>st</sup> Cir. )).

#### **Proposed Jury Instructions**

The PROPOSED JURY INSTRUCTIONS must be numbered and bear the name of the party submitting it. Each instruction shall be on a **separate** sheet of paper and contain the citation and/or source of the instruction. Only the special instructions need be submitted. The so-called "boiler plate" instructions shall not be included.

Each party shall forward a courtesy copy of the PROPOSED JURY INSTRUCTIONS - filed in accordance with the terms of this Order - to the undersigned **no later than September 12, 2008** in a format compatible with WordPerfect at: **PRD\_RLA@prd.uscourts.gov**.

**Evidence for Trial**

The parties shall make the necessary arrangements with the courtroom deputy clerk to have the evidence marked **no later than September 12, 2008.**

Counsel shall furnish the trial judge an additional copy of all documents intended to be presented as evidence at trial **no later than September 12, 2008.**

IT IS SO ORDERED.

San Juan, Puerto Rico, this 6<sup>th</sup> day of May, 2008.

S/Raymond L. Acosta  
RAYMOND L. ACOSTA  
United States District Judge

**SUMMARY OF DEADLINES AND SETTINGS**

**8/14/08** Deadline for filing JOINT PRETRIAL ORDER.

**8/18/08** Deadline for filing motions in limine.

**8/27/08** Deadline for responding to motions in limine.

**8/29/08** PRETRIAL/SETTLEMENT CONFERENCE at **10:30 a.m.**

**9/12/08** Deadline for filing TRIAL BRIEF, PROPOSED JURY INSTRUCTIONS, PROPOSED VOIR DIRE and PROPOSED VERDICT FORM.

**9/12/08** Deadline for forwarding copy of the PROPOSED JURY INSTRUCTIONS via e-mail.

**9/12/08** Deadline for parties to mark evidence prior to trial.

**9/12/08** Parties to provide the court copy of all documents intended to be presented as evidence at trial.

**9/16/08** JURY TRIAL at **9:30 a.m.**